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PATENT  
ATTORNEY DOCKET NO.: 051481-5123

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Gary M. EVERINGHAM, <i>et al.</i>	)	Confirmation No.: 6454
	)	
Application No.: 10/759,231	)	Group Art Unit: 3754
	)	
Filed: January 20, 2004	)	Examiner: Unassigned
	)	
For: EXHAUST GAS RECIRCULATION	)	
VALVE HAVING A ROTARY MOTOR	)	

The Commissioner of Patents  
U.S. Patent and Trademark Office  
Arlington, VA 22202

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449. Applicants submit that no fee is required for consideration of this information since, to the best of their knowledge, no Office Action has been mailed.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If it should be determined that the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

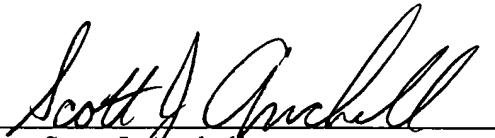
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should any of the documents be applied against the claims of the present application.

**Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By: \_\_\_\_\_

  
Scott J. Anchell  
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Dated: September 20, 2004

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**INFORMATION DISCLOSURE  
CITATION**

(Use several sheets if necessary)

PTO Form 1449

Attorney Docket No.

051481-5123

Application No.

10/759,231

Applicant: Gary M. EVERINGHAM, *et al.*

Filing Date: January 20, 2004

Group Art Unit: 3754

**U.S. PATENT DOCUMENTS**

*Examiner Initial		Document Number	Date	Name	Class	Sub Class	Filing Date

**U.S. PATENT APPLICATION**

*Examiner Initial		Application Number	Date	Name	Title
		10/759,230	01/20/2004	Everingham, et al.	Exhaust Gas Recirculation Valve Having a Rotary Motor
		10/759,229	01/20/2004	Everingham, et al.	Exhaust Gas Recirculation Valve Having a Rotary Motor

**FOREIGN PATENT DOCUMENTS**

		Document Number	Date	Country	Class	Sub Class	<u>Translation</u> YES NO	

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**


Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SJA/fdb

September 20, 2004  
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